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TO: Matthew J. Kremer  
USPTO FACSIMILE NO.: (703) 872-9306  
USPTO REFERENCE: Applicants: Gene Mason et al.  
Serial No.: 10/679,963  
Filed: October 6, 2003  
Title: OPTICAL PROBE INCLUDING  
PREDETERMINED EMISSION WAVELENGTH  
BASED ON PATIENT TYPE  
ATTORNEY: John M. Grover  
PHONE NO.: (949) 721-2946  
ATTORNEY DOCKET NO.: MASIMO.353A  
TOTAL PAGES: 11 (INCLUDING COVER SHEET)  
OPERATOR: Lisa Sierra  
DATE: March 23, 2005

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MESSAGE: ***Attached for filing in the above-referenced application are:***

- TRANSMITTAL LETTER IN 2 PAGES
- AMENDMENT AND RESPONSE TO FINAL  
OFFICE ACTION DATED  
DECEMBER 23, 2004 IN 8 PAGES

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032305

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Docket No.: MASIMO.353A

March 23, 2005

Page 1 of 2

Please Direct All Correspondence to Customer Number **20995****AMENDMENT / RESPONSE TRANSMITTAL**

Appl. No. : 10/679,963  
 Applicants : Gene Mason et al.  
 Filed : October 6, 2003  
 TC/A.U. : 3736  
 Examiner : Matthew J. Kremer

Title : **OPTICAL PROBE  
 INCLUDING  
 PREDETERMINED  
 EMISSION WAVELENGTH  
 BASED ON PATIENT TYPE**

Docket No. : MASIMO.353A  
 Cust. No. : 20,995

Confirmation No. : 3580

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John M. Grover, Reg. No. 42,610

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Commissioner for Patents  
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Sir:

Transmitted herewith for filing in the above-identified application is the following enclosure:

- (X) an Amendment and Response to Final Office Action dated December 23, 2004 in 8 pages.

The fee has been calculated as shown below:

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Total Claims	15 - 20 = 0	1202 (\$50)	0 x 50 =	\$0
Independent Claims	1 - 3 = 0	1201 (\$200)	0 x 200 =	\$0
			<b>TOTAL FEE DUE</b>	<b>\$0</b>

Docket No.: MASIMO.353A

March 23, 2005

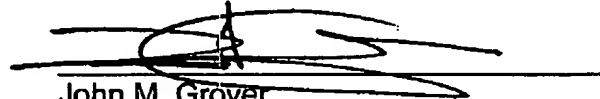
App. No.: 10/679,963

Page 2 of 2

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.



John M. Grover  
Registration No. 42,610  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

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MAR 23 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/679,963  
Applicants : Gene Mason et al.  
Filed : October 6, 2003  
TC/A.U. : 3736  
Examiner : Matthew J. Kremer

Title : OPTICAL PROBE  
INCLUDING  
PREDETERMINED  
EMISSION WAVELENGTH  
BASED ON PATIENT TYPE

Docket No. : MASIMO.353A  
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John M. Grover, Reg. No. 42,610

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION  
DATED DECEMBER 23, 2004**

Sir:

In response to the Office action of December 23, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 5 of this paper.